



King County Board of Ethics  
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## **KING COUNTY BOARD OF ETHICS MEETING NOTICE**

**When:** Monday, May 15, 2000, at 4:30 p.m.

**Where:** Bank of California Building  
900 Fourth Avenue, 4<sup>th</sup> Avenue and Marion Street, Seattle  
5<sup>th</sup> floor conference room (southwest corner of the building)

### **PLEASE NOTE CHANGE FROM USUAL MEETING LOCATION**

### **AGENDA**

1. ***Approval of Agenda***
2. ***Approval of Meeting Minutes of March 20, 2000.***
3. ***Procedures for Meetings of the King County Board of Ethics.*** Consider comments on Rules; make changes as appropriate; adopt regular Rules.
4. ***Review of Provisions of the Code of Ethics.*** Continuation of Discussion.
5. ***Review of Code of Ethics.*** Determine next steps; staff support update.
6. ***Meetings with Elected Officials.*** Members report on meetings.
7. ***2000 Disclosure of Financial and Other Interests Program.***
  - Final Compliance
  - Review of Campbell audit
8. ***Board Appointments.*** Update.
9. ***Staff Report***
  - Request for Advisory Opinion from Councilmember Sullivan - update
  - Third Annual Board Reception
  - Consultant Disclosure Program
10. ***Old Business***

cc: Ron Sims, King County Executive  
King County Councilmembers  
Duncan Fowler, Director–Ombudsman, Office of Citizen Complaints  
Sheryl V. Whitney, Director, DIAS  
James J. Buck, Deputy Director, DIAS  
Carl A. Johansen, Senior Deputy Prosecuting Attorney  
Mike Alvine, Council Legislative Analyst  
John Chelminiak, Council Chief of Staff  
Shaunta Hyde, Government Relations Specialist  
Jeanne Keenan, Council Legislative Aide  
Jeff Slayton, Council Associate Legal Counsel  
Craig Larsen, Director, Department of Parks and Recreation  
Mark Campbell, Fairgrounds Manager, Department of Parks and Recreation  
Terry Higashiyama, Manager, Department of Parks and Recreation

Upon advance request, reasonable accommodations for people with disabilities are available by calling (206) 296-1586 or TTY 1-800-833-6388.
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### **Minutes of the May 15, 2000, Meeting of the King County Board of Ethics**

The May 15, 2000, meeting of the King County Board of Ethics was called to order by Chair Price Spratlen at 4:33 p.m. Board members in attendance were:

Lois Price Spratlen, Ph.D., Chair  
Mr. Roland H. Carlson  
Margaret T. Gordon, Ph.D. (arriving at 4:39 p.m.)  
Lembhard G. Howell, Esq.  
Rev. Paul F. Pruitt

**Others in attendance:**

Ms. Catherine A. Clemens, Administrator, King County Board of Ethics  
Mr. Carl A. Johansen, Senior Deputy Prosecuting Attorney  
Mr. Duncan Fowler, Ombudsman (arriving at 4:37 p.m. and leaving at 6:10 p.m.)  
Ms. Jeanne Keenan, Council Legislative Aide (arriving at 4:42 p.m.; leaving at 6:10 p.m.)  
Mr. Jeff Slayton, Associate Legal Counsel for County Council  
Mr. Mark Campbell, Fairground Manager, Park System  
Ms. Terry Higashiyama, Manager, Fairground Division, Park System

1. *Proposed Agenda.* Mr. Howell requested the addition of Item #10: Old Business. With that addition, Mr. Carlson moved the approval of the proposed agenda; Mr. Pruitt seconded the motion and the agenda was approved.

Chair Price Spratlen asked for introductions from those present.

2. *Approval of Meeting Minutes of March 20, 2000.* With a minor change noted by Mr. Howell, Rev. Pruitt moved to approve the March 20, 2000, meeting minutes; Mr. Howell seconded the motion, and the minutes were approved.

Chair Price Spratlen again asked for introductions for those who had recently joined the meeting.

3. *Procedures for Meetings of the King County Board of Ethics.* Ms. Clemens briefed the Board by reviewing the filing and notification requirements met thus far. She noted that thirteen employees had requested to review the proposed changes to the procedures and that none had made comments. Given that the Board had previously approved the draft procedures, and that there were no comments on the proposed changes, Mr. Carlson moved that the Board adopt the Procedures for Meetings of the King County Board of Ethics. Mr. Howell seconded the motion and the motion passed unanimously. The Board directed Ms. Clemens to file the procedures with the Clerk of the Council the following day.

4. *Review of Provisions of the Code of Ethics.* Ms. Clemens informed the Board that she and Mr. Johansen had attended a meeting of the Washington State Legislative Ethics Board on May 11<sup>th</sup> at the invitation of the Executive Director. The Legislative Ethics Board was addressing a request for an advisory opinion regarding charitable fund-raising by legislators, an issue related to the matters before the Ethics Board at this meeting. Although the Legislative Ethics Board did not issue an opinion that day, the Executive Director informed Ms. Clemens that the probable outcome to the decision would be in support of past advisory opinions. That is, the State Ethics Act does not prohibit legislators from fund-raising, provided they act without the use of state resources and do not solicit lobbyists or lobbyist employers. Further, that state resources may be used for institutionally approved fund-raising activities, such as Habitat for Humanity or United Way.

The Board thanked Ms. Clemens for this information and began deliberation on the draft letter "Responses to Request for Clarification of King County Ethics Code Provisions" prepared by Mr. Johansen. Because the letter stated "the Board assumes that these activities only involve elected officials, or employees who are supervised directly by an elected official," discussion took place regarding whether or not the responses would be in conflict with the Code. Mr. Johansen distributed a copy of an email message from the Ombudsman to Mr. Johansen regarding the draft letter, dated May 12, in which Mr. Fowler expressed his concerns regarding the responses. The Code does not generally make a distinction between employees and elected officials in the issue area before the Board. At this time, Mr. Fowler expressed his concern as to his ability to tie findings of violations back to the exact portions of the Code, specifically KCC3.04.030(C), if the Board separated out elected officials in their responses that are not exempted by the Code. He stated that he not only uses the Code in his investigations, but Board opinions as well. Mr. Carlson stated that the Ombudsman brought up a good point, but that the Board was considering reviewing the Code in the near future. Dr. Gordon suggested including those facts in the letter. Mr. Johansen stated the Board was drafting nothing illegal, simply an interpretation based on the questions, but that the Board would be creating a distinction. After considerable discussion by Board members, staff, the Ombudsman and council representatives, responses to the six questions were as follows:

1. The invitation by councilmembers of persons or corporations who have interests that would be considered or affected by Council actions to attend fundraising events (such as breakfasts, luncheons, or dinners) to benefit charitable organizations.  
**Response:** The Board generally agrees that the public expects county elected officials to participate in community and civic activities. Board members conclude that soliciting donations and contributions for charitable organizations fits within the "official duties" of county elected officials. However, such activities may not include solicitation of donations and contributions from a lobbyist or a lobbyist's employer, as those terms are currently defined in the county's lobbyist disclosure ordinance.
2. The dissemination of information, regarding capital campaigns or other fundraising drives to benefit charitable organizations, by councilmembers to persons or corporations who have interests that would be considered or affected by Council actions.

**Response:** The Board agrees that the dissemination of information does not raise issues under the Code of Ethics as long as the information is purely informative.

3. The donation of items (including events, such as a dinner with an elected official, and tangible items) to charitable organizations for resale at auctions or other public sales for the benefit of charitable organizations.

**Response:** The Board agrees that county elected officials should not be restricted in encouraging others to support charitable organizations, unless such activities squarely conflict with the Code of Ethics, and county elected officials should have broad latitude to determine how to assist charitable organizations. The Board concludes that donating items to charitable organizations for resale at auctions or other public sales for the benefit of charitable organizations, fits within the "official duties" of county elected officials.

4. Soliciting financial support for the legislative and administrative activities of state and national professional associations that work on behalf of county government.

**Response:** The Board agrees that soliciting financial support for the legislative and administrative activities of state and national professional associations that work on behalf of county government could be done if an ordinance were adopted establishing a policy for the involvement and participation of the county in such associations and authorizing county elected officials to solicit contributions for such organizations under the Code of Ethics. The Board concludes that without such an ordinance, the activities described appear to violate the Code of Ethics based on previous advisory opinions issued by the Board.

5. Soliciting financial support for political party organizations at the local, state and federal levels.

**Response:** The Board agrees that under the federal and Washington State constitutions, the activities described could not be proscribed by the Code of Ethics. The Board concludes that such solicitations could be directed to persons doing or seeking to do business with the county for which the official has responsibility or with regard to that which the official may participate. Under the Code of Ethics and state law, the Board notes that no county resources could be used for such solicitations.

6. Soliciting financial support for political candidates at the local, state and federal levels.

**Response:** The Board agrees that under the federal and Washington State constitutions, the activities described could not be proscribed by the Code of Ethics. The

Board concludes that such solicitations could be directed to persons doing or seeking to do business with the county for which the official has responsibility or with regard to that which the official may participate. Under the Code of Ethics and state law, the Board notes that no county resources could be used for such solicitations.

Mr. Howell moved that the letter be approved as amended; Rev. Pruitt seconded the motion and the letter was approved.

At this time, Ms. Clemens asked Item #7 be moved to the next item for discussion. Two county employees affected by the issue were in attendance and the hour was growing late. The Board agreed.

*5. 2000 Disclosure of Financial and Other Interest Program.* Ms. Clemens reported on the status of the 2000 Financial Disclosure Program: of the 1929 affected employees and elected officials, 97% were in compliance as of May 10, 2000; and of the 438 affected board/commission members, 78% were in compliance. Ms. Clemens reviewed office activities in relation to training and education, system of reports and notification, and recommendations reflected in her final report to county leadership. Mr. Carlson moved to accept the final report and to direct the Administrator to work with the executive's office to issue a letter to non-compliant members; Rev. Pruitt seconded the motion and the motion was unanimously approved. Chair Price Spratlen requested a minor change in the report form and congratulated Ms. Clemens on the success of the program this year.

Ms. Clemens briefed the Board on a potential conflict of interest for Mr. Mark Campbell, who had revealed in his statement of financial and other interest a membership on the board of a community organization that does business with Mr. Campbell's office and over which Mr. Campbell has contract responsibilities. Following discussion among the Board, Board Counsel, Mr. Campbell and Ms. Higashiyama, Mr. Howell moved that the Board advise Mr. Campbell that whenever issues arise involving conflict between the interests of King County and the community organization, that Mr. Campbell abstain from voting on those issues. Mr. Carlson seconded the motion and the Board approved the motion, with Chair Price Spratlen abstaining. Following the vote, Ms. Clemens, Ms. Higashiyama and Mr. Campbell agreed that the review had provided a good forum in which to review county policies where employees take part in associations, and would communicate in the following weeks regarding a discussion of such policy within the Park System.

Because of the hour, the Board agreed to table the remaining items until the next meeting.

At 6:55 p.m., Mr. Howell moved to adjourn the meeting; Rev. Pruitt seconded the motion; the motion was approved unanimously and the meeting was adjourned.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2000, by the King County Board of Ethics.

Signed for the  
Board: \_\_\_\_\_

Dr. Lois Price Spratlen, Chair